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C O N F I D E N T I A L SECTION 01 OF 03 SUVA 000035

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TAGS: [PREL](#) [MARR](#) [PHUM](#) [CASC](#) [PINR](#) [ASEC](#) [FJ](#)  
SUBJECT: FIJI UPDATE 1/16/2007 - INTERIM CHIEF JUSTICE  
NAMED; STATE OF EMERGENCY CONTINUES; MORE HUMAN RIGHTS  
ABUSES; SHAKEDOWN OF CHINESE BUSINESSMEN

REF: SUVA 29 AND PREVIOUS

Classified By: DCM Ted Mann, per Sec. 1.5 (B) and (D)

#### Summary

1. (C) Justice Anthony Gates, an apparent supporter of the coup and advisor to the military, was sworn in as Interim Chief Justice. Ratu Epeli Ganilau was sworn in as Minister for Fijian Affairs, completing the ministerial lineup of the interim government. The Melanesian Spearhead Group has reportedly expressed support for the interim government. The interim Attorney General reiterated that a State of Emergency remains in place and that freedom of expression and other rights are therefore curtailed. Despite a claim that the interim government would not permit inhumane and degrading treatment, rights abuses appear to be proliferating. Credible reports indicate that elements of the RFMF and police are "shaking down" Chinese businessmen for money and other donations. End Summary.

#### First Interim Cabinet Meeting - Few Details Yet

2. (C) The interim government held its first cabinet meeting January 16. Other than a decision to table a new 2007 budget in March, no details of the meeting were available as of the evening of January 16.

#### Interim Chief Justice Named

3. (C) Justice Anthony Gates was sworn in today as interim Chief Justice, replacing Daniel Fatiaki, who had been placed on paid leave January 3. Gates, who has been openly critical of Fatiaki for years, is widely rumored to have been a coup supporter and advisor to the military. One sitting justice told us last week that Gates would be willing to take on a new role if asked by Bainimarama. Another justice expressed astonishment that the military had tampered with the judiciary by removing Fatiaki. Prior to the announcement of Gates' appointment, the Fiji Law Society called for Fatiaki's reinstatement and said it would take legal action against his removal.

#### Ganilau Sworn In; Hatch Drops Out

4. (C) Ratu Epeli Ganilau, long rumored to be one of the "shadowy figures" behind the coup, was sworn in January 15 as the Minister for Fijian Affairs. Hector Hatch, appointed

Chairman of the Public Service Commission January 4, has "resigned" from the position because of health reasons. Hatch's wife told an embassy spouse that Hatch never accepted the position and that Bainimarama made the appointment announcement without his consent. Mrs. Hatch appeared to be especially concerned about visa restrictions which would be placed on her husband (and herself, by some countries) if he accepted the appointment.

#### MSG Supportive of Fiji

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15. (C) According to press reports, the Melanesian Spearhead Group expressed support for Fiji's interim government after a ministerial meeting between MSG members in Honiara over the weekend. The PNG Minister of Foreign Affairs and Trade, Paul Tiensten, told reporters that MSG countries were not interested in sanctioning Fiji, but wanted to help it out of its current crisis. He noted the support Fiji's interim government had received from churches, the Great Council of Chiefs and other institutions. The foreign ministers criticized Australia's decision not to fund Fijian participation in RAMSI and expressed hope alternate funding could be found.

#### State of Emergency Remains; Rights Curtailed

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16. (C) Interim Attorney General Aiyuz Khaiyum announced January 15 that the current "state of emergency" will remain in place "until security levels reach acceptable levels." "The public should be aware," he said, "that certain rights and freedoms are derogable under a state of emergency." These include, "personal liberty, freedom for servitude and forced labor, freedom of expression, freedom of assembly,

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labor relations and privacy." "The rights and freedoms that are not derogable are right to life, freedom from cruel and degrading treatment, freedom from unreasonable searches and seizure, access to courts to tribunals and right to religion and belief." The interim AG said that the curtailment of rights such as freedom of expression was necessary because "certain groups and individuals are seeking to destabilize the country for their own personal agendas and gain at the expense of the nation." Checkpoints will remain in place, he said, until the security situation stabilizes.

#### RFMF to Get Out of the Law Enforcement Business?

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17. (C) Khaiyum said that from now on, all complaints against members of the public should be directed to the police, and that the RFMF would assist the police in maintaining law and order "only when necessary." No members of the public, he said, would be taken to RFMF installations unless warranted by the state of emergency. This statement apparently is aimed at curtailing excesses such as the death under military custody last week of a villager involved in a land dispute, while continuing to allow the RFMF to interrogate and take other actions against those who speak up against military rule.

#### Intimidation, Rights Abuses Continue

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18. (C) Khaiyum's statements about "freedom from cruel and degrading treatment" notwithstanding, intimidation and human rights abuses appear to be continuing unabated. Attar Singh, the General Secretary of the Fiji Islands Council of Trade Unions, criticized the interim government to the media January 14, noting it was not elected and therefore has no right to pass new laws or amend the constitution. He also called on the military to stop human rights abuses and to remove all checkpoints. That same evening, he told us, he was locked up in a dark cell at the military camp. The officer who interrogated Singh told him he would be "bashed up and put in the morgue" if he continued talking to the press. Singh said his ears were pulled so hard that, 24 hours later, he was still in pain, but was not otherwise

physically assaulted.

¶9. (C) A embassy local employee was fortunate not to have been taken to the military camp after an incident at a military checkpoint over the weekend. The employee told us that a taxi driver took exception to a comment she made about Labor Party leader Mahendra Chaudhry and told soldiers at a checkpoint that she was "mouthing off" against the military. Soldiers attempted to pull her out of the car, but were stopped when her brother-in-law, a military officer, came on the scene. The brother-in-law told her she had been very lucky not to have been taken to the military camp and forced to "run around the grounds". Local employees told us our staff member's experience was not uncommon. Several said they had heard other stories about incidents involving taxi drivers that had led to "invitations" to the military barracks. Last week two Fijian members of the British military were severely beaten at the army camp after they were detained at checkpoints.

Shakedown of Chinese Businessmen?

¶10. (C) The RFMF proudly proclaimed January 13 that it had received donations of flat screen TVs and other items from "two grateful Fiji Taiwanese community members." The two persons, the chairmen of the "Fiji Chinese Culture Center," and the "Taiwanese Fiji Overseas Association," respectively, told reporters the gifts were in response to the military's efforts to maintain stability and peace in Fiji. A contact in the Chinese business community suggested a different explanation might be possible. The businessman, a representative of a Taiwan company, told us he was approached at his home in early January by a policeman who told him "a gift to the RFMF would be greatly appreciated." The businessman insisted he had not yet made any donations. He hopes the police or the RFMF will not press him any further, noting that he went through a similar experience a few months ago with the Qarase government. In response to numerous requests, his company, whose main customer is a government-owned firm, made a FJ\$50,000 donation to the SDL party in the run up to the May elections.

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